IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3076 OF 2005

M/s Anant Construction Pvt.Ltd., ...Petitioner.

Versus

M/s Rashmi Properties & Ors. ...Respondents.

Shri G.S.Godbole for the Petitioner.
Shri Pramod Pawar for Respondent No.1.
Shri M.S.Lagu with R.S.Apte for Respondent No.2.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 30th JANUARY, 2006.

P.C. :

1. Heard Shri Godbole - learned Counsel appearing for the petitioner. Perused the Petition and the annexures thereto, as also orders passed by this Court on 5th May, 2005 and 6th December, 2005. Shri Godbole states that the petitioner-original plaintiff will take appropriate steps to amend the plaint in Regular Civil Suit No.318 of 2004 including making respondent Nos.3 to 5 herein as parties to the same.

2. He submits that upon such amendment being carried out, the petitioner-orig.plaintiff be given liberty to apply for appropriate interlocutory reliefs to protect the rights of the added parties, who are also referred to in Agreement dated 17th April, 2002.

3. In my view, no prejudice would be caused to the contesting Respondent-Orig.Defendant No.1, if liberty as prayed by Shri Godbole is granted. Needless to state that upon the plaint being amended and an application for appropriate interlocutory reliefs made, thereafter, the same shall be dealt with by the trial Court, on its own merits and in accordance with law uninfluenced by the orders passed earlier including that of lower Appellate Court.

4. Equally, it would open for the first respondent to contest the claims of the added parties on the basis that their rights under the Agreement in question are already sufficiently protected.

(S.C.DHARMADHIKARI,J.)